



NEWS RELEASE

Release Number: **S.C. 04/08**

Release Date: **January 25, 2008**

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of January 21, 2008

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#08-20 *Guimares v. Northrup Grumman, S158736.* (B194205; 156 Cal.App.4th 644; Los Angeles County Superior Court; BC345356.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *Manco Contracting Co. v. Bezdikian, S154076* (#07-384), which presents the following issues: (1) Is a foreign money judgment final within the meaning of the Uniform Foreign Money-Judgments Recognition Act (Code of Civ. Pro, § 1713 et seq.), even though an appeal of the foreign judgment is pending and the law of the foreign jurisdiction provides that a judgment is not final there until the appeal has been resolved? (2) What statute of limitations applies to an action to enforce a foreign judgment?

#08-21 *People v. Marble, S159324.* (C051378; nonpublished opinion; Butte County Superior Court; CM019984.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of a criminal offense.

#08-22 *People v. McMillon, S159136.* (C053763; nonpublished opinion; Butte County Superior Court; CM024710.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of criminal offenses.

The court ordered briefing in *Marble* and *McMillon* deferred pending decision in *People v. French, S148845* (#07-10), which includes the question whether the trial court violated defendant's Sixth Amendment

right to a jury trial, as interpreted in *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 856, by imposing an upper term sentence based on aggravating factors not found true by the jury, where the defendant entered a no contest plea and was sentenced in accordance with his plea agreement.

#08-23 *People v. Vang*, S159190. (C052414; nonpublished opinion; Butte County Superior Court; CM023755.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Towne*, S125677 (#04-75), which presents issues concerning the use as aggravating sentencing of such factors as being on probation or parole when a crime was committed and prior unsatisfactory performance on probation or parole.

DISPOSITION

The following case was transferred to the Court of Appeal with directions to consider and decide the issues raised by the brief of amicus curiae, Criminal Justice Legal Foundation, with respect to the validity of Penal Code section 1054.9:

#07-156 *Barnett v. Superior Court*, S150229.

#